

PUBLIC NOTICE: 06-04

DATED: 1/25/06

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND
OPPORTUNITY TO COMMENT

SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THE
PROPOSED PENALTY ASSESSMENT.

UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING
CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE SUCH
ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II PENALTY
PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE PROPOSED ASSESSMENT
PURSUANT TO 33 U.S.C. §1319(G)(4)(A).

CLASS II PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED RULES
OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL
PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS AND
THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS", 40 CFR PART 22
(JULY 1, 2000). THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT
WRITTEN COMMENT ON A PROPOSED CLASS II COMPLAINT OR PARTICIPATE IN A
CLASS II PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY
REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE
DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS II ORDER
IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING
CLASS I PROCEEDINGS FOR THE ASSESSMENT OF PENALTIES:

IN THE MATTER OF CAGUAS MUNICIPAL PUBLIC WORKS DEPARTMENT, CENTER OF
MUNICIPAL OPERATIONS CAGUAS, P.O. BOX 907, CAGUAS PUERTO RICO, THE
OWNER AND/OR OPERATOR OF THE FACILITY LOCATED AT STATE ROAD NO. 1,
KM. 32, BAIROA WARD, DOCKET NO. CWA-02-2002-3422 (DATED SEPTEMBER 30,
2002) ; FILED ON **OCTOBER 1, 2002** WITH REGIONAL HEARING CLERK KAREN
MAPLES, U.S. EPA, REGION II, 290 BROADWAY, 17 FLOOR, NEW YORK, NEW YORK
10007 (212) 637-3110; PROPOSED PENALTY: \$137,500, FOR FAILURE TO COMPLY WITH
EFFLUENT LIMITATIONS AND REPORTING REQUIREMENTS AS REQUIRED BY THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT FOR THIS FACILITY

PR0023426 AND FOR AN UNPERMITTED DISCHARGE.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.

DORE LAPOSTA, DIRECTOR
DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE